

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-051861

08/04/2010

HONORABLE ROBERT BUDOFF

CLERK OF THE COURT  
L. Carlson  
Deputy

AMERICAN NATIONAL BANK

FREDERICK E DAVIDSON

v.

JOHN NICHOLAS VATISTAS, et al.

COLIN F CAMPBELL

DENNIS I WILENCHIK  
KEVIN T AHERN

**ORDER APPOINTING SPECIAL DISCOVERY MASTER**

Pursuant to this Court's minute entry filed July 23, 2010, in a pleading filed August 3, 2010, the parties submitted a "Joint Submission of Proposed Names for Appointment of Discovery Master".

Pursuant to the proposals submitted,

IT IS ORDERED appointing Kevin Ahern to serve as Discovery Master.

The parties shall direct all discovery disputes to the Discovery Master. Because a primary purpose of the Discovery Master's appointment is to expedite the resolution of discovery disputes, the Discovery Master may, and is encouraged to, establish expedited briefing schedules and other procedures helpful to achieving this purpose. In the absence of such schedules and procedures established by the Discovery Master, all discovery disputes shall be briefed and handled in accordance with the Arizona Rules of Civil Procedure, the Uniform Rules of Practice-Superior Court, and the Maricopa County Local Rules of Practice.

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Any party may serve a notice of intent to seek review from the Superior Court of any decision of the Discovery Master. The notice of intent to seek review shall be served on the parties via facsimile within seven (7) calendar days after service of written notice of the Discovery Master's ruling, and any such motion for review must be filed with the Superior Court and served by hand delivery on local opposing counsel within fifteen (15) calendar days after service of notice of intent to seek review. If the parties do not seek review of the Discovery Master's ruling, the ruling shall be deemed a decision of this Court. Before a Special Action may be brought to the Court of Appeals, review must be sought from the Superior Court. Any prevailing party to a Special Action may seek to recover attorney fees, costs and expenses as allowed by law.

All fees and costs associated with the Discovery Master shall be shared equally among all parties subject to reallocation by the Court independently or upon recommendation of the Discovery Master based upon the cooperation of the parties during the process.

Respective counsel are directed to contact the Discovery Master within 10 days of this Order to schedule an initial meeting.

IT IS ORDERED assigning to the Discovery Master for resolution those matters relating to Defendants' March 11, 2010, "Emergency Motion to Compel" which has now been fully briefed, and, also, resolution of Plaintiff's Motion to Compel and Request for Sanctions filed August 3, 2010.

Respective counsel shall provide the Discovery Master with copies of their pleadings with regard to said pending Motions.

The parties are advised that since the Motion to Compel has now been assigned to Discovery Master Ahern for resolution, that the Oral Argument scheduled on September 9, 2010, will only relate to Defendants' June 22, 2010, Motion for Summary Judgment.

IT IS FURTHER ORDERED signing this minute entry as an order of the Court.

/ s / HONORABLE ROBERT BUDOFF

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JUDICIAL OFFICER OF THE SUPERIOR COURT